

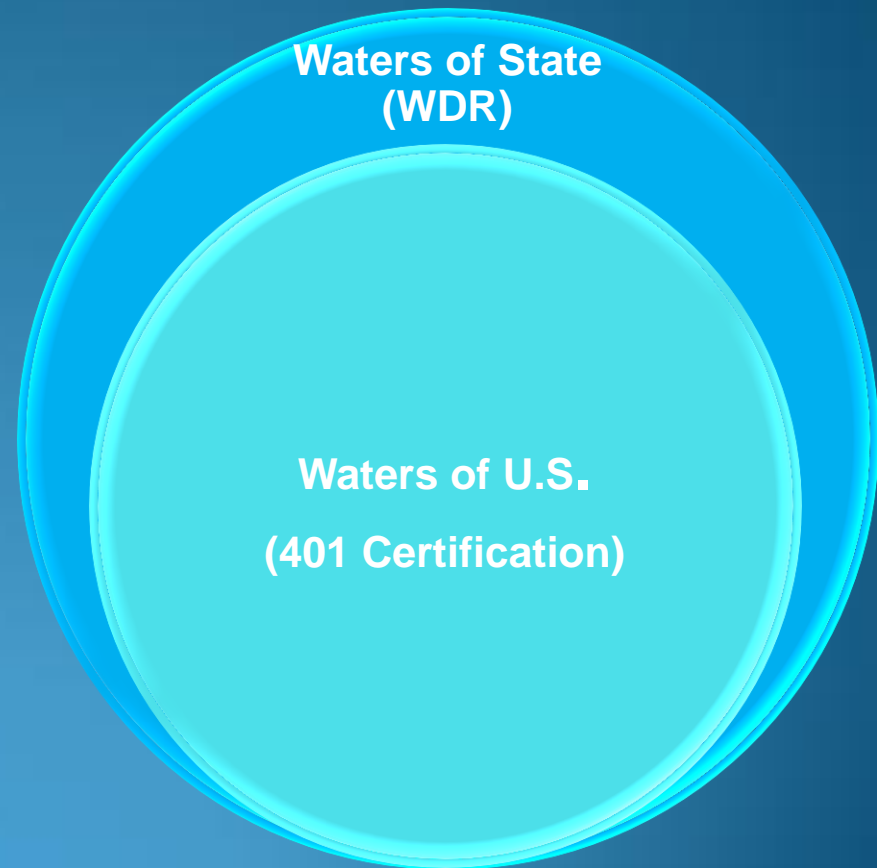
Delegation of Authority to Issue Waste Discharge Requirements for the Discharge of Dredged or Fill Materials

January 9, 2018 Board Meeting - Item # 2

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Background

- The Water Boards regulate discharges or dredge or fill material in two different ways
 - Mostly 401 Certifications.
- 401 Certifications and WDRs are substantively the same;
 - 401 Approved by EO
 - WDR Adopted by Board
 - Few WDR generate comments
 - Lean Six-Sigma Goal of 90 Days



Proposal

- The Executive Office of the State Water Board is expressly delegated authority to issue 401 Certifications through CCR section 3838
- Staff recommends that the Board delegates the approval of WDRs for dredge or fill discharges to the
 - Executive Director,
 - Chief Deputy Director for Water Quality, and
 - Deputy Director for Water Quality
- Proposed delegation of authority would require that WDRs of a unique, unusual, or controversial nature be brought to the attention of the State Water Board.

Public Comments

- The resolution does not define terms such as “unique and unusual” or “highly controversial”
 - The direction to bring certain matters to the attention of the Board is equivalent to other delegations.
- The Resolution should limit delegation based on specified thresholds of significance
 - Including proposed thresholds would continue the status quo of treating different applications differently based on whether the application was for a 401 Certification or WDR.

Public Comments

- The resolution does not provide adequate opportunity for Public Comment
 - Delegation will not significantly change the public process.
 - Staff will still address comments received
 - Significant comments can be brought to the Board's attention
- The Board should wait until the Dredge or Fill procedures are adopted
 - Adopting the Resolution will provide for additional efficiencies while maintaining wetland protection.

Thank You

Questions?

Application Review Timelines

